



Identification of Parties

1. Plaintiff [REDACTED] is, at all relevant times herein, a resident of the State of New Jersey and was employed by the defendants.
2. Plaintiff [REDACTED] is, at all relevant times herein, a resident of the State of New Jersey and was employed by the defendants.
3. Defendant State of New Jersey is, at all relevant times herein, a public entity subject to suit under the LAD and was the employer of the plaintiffs and all other individuals set forth herein.
4. Defendant State of New Jersey Judiciary is, at all relevant times herein, a public entity subject to suit under the LAD and was the employer of the plaintiffs and all other individuals set forth herein.
5. Defendants John Does 1-5 and 6-10, currently unidentified, are individuals and/or entities who, on the basis of their direct acts or on the basis of *respondeat superior*, are answerable to the plaintiff for the acts set forth herein.

General Allegations

6. Plaintiffs are employees of the defendants, employed at the Superior Court of New Jersey, Essex County.
7. Plaintiff [REDACTED] has been employed since May 2000 and currently holds the title of Judiciary Clerk III.
8. Plaintiff [REDACTED] has been employed since June 1990 and currently holds the title of Judiciary Clerk IV.
9. Both plaintiffs are female.
10. All harassment herein is alleged to be severe and/or pervasive.

11. All harassment herein is alleged to be sexual on its face.

12. All harassment herein is such that a reasonable woman in the same or similar circumstances as plaintiffs would have found the workplace to have altered so that it had become hostile and/or intimidating and/or abusive.

13. The workplace did so alter for plaintiffs.

14. Both plaintiffs were supervised by Ronald Warren, who held the title of Court Service Supervisor I.

15. Mr. Warren was a member of upper management as that term is defined under the LAD.

16. Mr. Warren supervised plaintiff Brandon from in or about October 2014 until on or about July 6, 2015 and supervised plaintiff Darby from in or about February 2015 until on or about July 6, 2015.

17. Mr. Warren regularly engaged in acts of sexual harassment towards both women.

18. With regards to plaintiff [REDACTED], the harassment included, but was not limited to:

- (a) Purposefully brushing his groin against her backside;
- (b) Commenting on her appearance;
- (c) Stating that her "ass looks good" in a dress;
- (d) Stating that he wanted to perform oral sex on her;
- (e) Stating that his mother had breastfed him until the age of 15 and asking if she would breastfeed him;
- (f) Asking when she would allow him to "hit it";
- (g) Grabbing her breasts and rear end;



- (h) Stating that he wanted to be with her sexually;
- (i) Asking when she was going to "stop being stingy and give me some";
- (j) Indicating a desire to have a threesome with both plaintiffs.

19. With regards to plaintiff [REDACTED] the harassment included, but was not limited to:

- (a) Stating that she "looked good" and "smelled good";
- (b) Asking when he could "hit that";
- (c) Stating that he had a blue pill that he could take and give the plaintiffs the

best 15 minutes of their lives;

- (d) Asking if he could eat donuts off her breasts;
- (e) Stating that plaintiff had let her breasts too close to him while gesturing

with his mouth a desire to lick them;

- (f) Grabbing and touching her rear end.

20. When plaintiffs advised Mr. Warren to stop, he laughed and stated that he had an "arrangement" with his wife where he could do as he wanted so long as he paid the mortgage.

21. Upon information and belief, Mr. Warren sexually harassed a number of other female employees, at least one of whom complained prior to Mr. Warren's supervision of the plaintiffs.

22. Similarly, prior to Mr. Warren's supervision of the plaintiffs, a male employee made written complaint of Mr. Warren's sexually harassing behavior directed towards women.

23. Regardless of those complaints, Mr. Warren remained undeterred and continued his sexual harassment of others and the plaintiffs.

24. Defendants are liable for the harassment because (a) they delegated authority to Mr. Warren, which Mr. Warren abused to harass the plaintiffs; (b) failed to promulgate a policy

reasonably meant to deter and prevent such harassment; and (c) having been made aware of such harassment, failed to take steps reasonably designed to stop and prevent further harassment.

25. As a result of the harassment, plaintiffs were forced to endure emotional pain and suffering.

26. Because the harassment was egregious and because members of upper management participated in and/or were willfully indifferent to the same, punitive damages are warranted.

### COUNT I

#### Plaintiff [REDACTED]'s Claim of Sexual Harassment Under the LAD

27. Plaintiff hereby repeats and realleges paragraphs 1 through 26, as though fully set forth herein.

28. For the reasons set forth above, the defendants are liable to plaintiff [REDACTED] for the sexual harassment she experienced in the workplace.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

### COUNT II

#### Plaintiff [REDACTED]'s Claim of Sexual Harassment Under the LAD

29. Plaintiff hereby repeats and realleges paragraphs 1 through 28, as though fully set forth herein.

30. For the reasons set forth above, the defendants are liable to plaintiff [REDACTED] for the sexual harassment she experienced in the workplace.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

### **COUNT III**

#### **Request for Equitable Relief**

31. Plaintiffs hereby repeat and reallege paragraphs 1 through 30 as though fully set forth herein.

32. Plaintiffs request the following equitable remedies and relief in this matter.

33. Plaintiffs request a declaration by this Court that the practices contested herein violate New Jersey law as set forth herein.

34. Plaintiffs request that this Court order the defendants to cease and desist all conduct inconsistent with the claims made herein going forward, both as to the specific plaintiffs and as to all other individuals similarly situated.

35. Plaintiffs request that the Court equitably order the defendants to pay costs and attorneys' fees along with statutory and required enhancements to said attorneys' fees.

36. Plaintiffs request that the Court order the defendants to alter their files so as to expunge any reference to which the Court finds violates the statutes implicated herein.

37. Plaintiffs request that the Court do such other equity as is reasonable, appropriate and just.

WHEREFORE, plaintiff demands judgment against the defendants jointly, severally and in the alternative, together with compensatory damages, non-economic compensatory damages, punitive damages, interest, cost of suit, attorneys' fees, enhanced attorneys' fees, and any other relief the Court deems equitable and just.

**COSTELLO & MAINS, P.C.**

Dated:

12/4/15

By. 

Kevin M. Costello

**DEMAND TO PRESERVE EVIDENCE**

1. All defendants are hereby directed and demanded to preserve all physical and electronic information pertaining in any way to plaintiffs' employment, to plaintiffs' cause of action and/or prayers for relief, to any defenses to same, and pertaining to any party, including, but not limited to, electronic data storage, closed circuit TV footages, digital images, computer images, cache memory, searchable data, emails, spread sheets, employment files, memos, text messages and any and all online social or work related websites, entries on social networking sites (including, but not limited to, Facebook, Twitter, MySpace, etc.), and any other information and/or data and/or things and/or documents which may be relevant to any claim or defense in this litigation.

2. Failure to do so will result in separate claims for spoliation of evidence and/or for appropriate adverse inferences.

**COSTELLO & MAINS, P.C.**

By: \_\_\_\_\_

Kevin M. Costello

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury.

**COSTELLO & MAINS, P.C.**

By: \_\_\_\_\_

Kevin M. Costello



**RULE 4:5-1 CERTIFICATION**

1. I am licensed to practice law in New Jersey and am responsible for the captioned matter.
2. I am aware of no other matter currently filed or pending in any court in any jurisdiction which may affect the parties or matters described herein

**COSTELLO & MAINS, P.C.**

By: 

Kevin M. Costello

**DESIGNATION OF TRIAL COUNSEL**

Kevin M. Costello, Esquire, of the law firm of Costello & Mains, P.C., is hereby designated trial counsel.

**COSTELLO & MAINS, P.C.**

By: 

Kevin M. Costello